

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON ROCK DIVISION**

DAVID A. STEBBINS

PLAINTIFF

v.

NO. 3:17-CV-03092-TLB

**STATE OF ARKANSAS, ARKANSAS
REHABILITATION SERVICES, AND
AMY JONES**

DEFENDANT

**MOTION FOR RECONSIDERATION OF ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO PROCEED ON APPEAL *IN FORMA PAUPERIS***

Come now the Defendants, the State of Arkansas, Arkansas Rehabilitation Services ("ARS"), and Amy Jones, by and through their attorneys, Attorney General Leslie Rutledge and Senior Assistant Attorney General Christine A. Cryer, and for their Motion for Reconsideration of the Order Granting Plaintiff David Stebbins' Motion for Leave to Proceed on Appeal *In Forma Pauperis*, state the following:

1. On May 8, 2018, this Court entered an Opinion and Order in favor of the Defendants and dismissing Stebbins' Complaint. (DE 167) In the Order, this Court determined that Mr. Stebbins had failed to set forth facts that would support any of his claims.

2. Thirty-four days later, on June 11, 2018, Mr. Stebbins filed his Notice of Appeal (DE 171) as well as his motion to proceed with his appeal *in forma pauperis*. (DE 172).

3. Mr. Stebbins' motion to proceed *in forma pauperis* with his appeal should be denied for the reasons defendants Motion for Summary Judgment was granted and his Complaint dismissed with prejudice.

4. In addition to the dismissal of this district court case, Mr. Stebbins has had a number of other district court cases dismissed due to his failure to state claim upon which relief can be granted:

3:12CV03022 (failure to state a claim)

3:12CV03039 (“strike,” failure to state a claim, and frivolous)

3:12CV03130

3:12CV03131 (frivolous)

4:12CV00704 (failure to state a claim)

4:14CV00227 (failure to state a claim)

3:13CV03068 (failure to state a claim)

3:15CV00332 (sua sponte)

4:15CV00436 (failure to state a claim)

4:16CV00638 (sua sponte, failure to state a claim)

3:17CV03016 (frivolous).

5. The present appeal lacks merit. To allow Mr. Stebbins to proceed on an appeal, without payment of his filing fee, reinforces Mr. Stebbins’ belief and practice that he can continuously appeal the rulings of the district court – especially those in which the district court certifies that an appeal would not be taken in good faith – without consequence.

6. For these reasons, the defendants respectfully oppose Mr. Stebbins’ motion to allow him to proceed with his appeal *in forma pauperis* and affirmatively state that if Mr. Stebbins wishes to proceed with his appeal, he should be required to pay the filing fee in order to do so.

WHEREFORE, Defendants, the State of Arkansas, Arkansas Rehabilitation Services (“ARS”), and Amy Jones respectfully ask this Court to deny Mr. Stebbins’ motion to proceed *in forma pauperis*.

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General

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CERTIFICATE OF SERVICE

I, Christine A. Cryer, Senior Assistant Attorney General, do hereby certify that on June 13, 2018, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system.

I, Christine A. Cryer, hereby certify that on June 13, 2018, I mailed the document by U.S. Postal Service to the following non CM/ECF participant:

Mr. David Stebbins
123 W. Ridge St., Apt. D
Harrison, Arkansas 72601

/s/ Christine A. Cryer